

1 **PINNOCK & WAKEFIELD**

2 A Professional Corporation

3 David C. Wakefield, Esq.

Bar #: 185736

4 Theodore A. Pinnock, Esq.

Bar #: 153434

5 Michelle L. Wakefield, Esq.

Bar #: 200424

3033 Fifth Avenue, Suite 410

San Diego, CA 92103

Telephone: 619.858.3671

Facsimile: 619.858.3646

10 **ROBERT MCCARTHY, An Individual,**

11 Plaintiff,

12 v.

13 **EMERYVILLE HOTEL DEVELOPMENT
VENTURE, L.P., d.b.a. FOUR POINTS
HOTEL BY SHERATON SAN FRANCISCO
BAY BRIDGE a.k.a. THE FOUR POINTS BY
SHERATON EMERYVILLE;
EMERYVILLE HOTEL DEVELOPMENT
VENTURE, L.P.; PACIFIC HOTEL
MANAGEMENT, LLC; JRR, LLC, d.b.a.
LYONS RESTAURANT; JASSI DHILLON,
INC., d.b.a. LYONS RESTAURANT;
EMERYVILLE HOTEL DEVELOPMENT
VENTURE II, L.P.; And DOES 1
THROUGH 10, Inclusive**

22 Defendants.

14 Case No.: C06-0948 MMC

15 **NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE OF ONLY
DEFENDANT JASSI DHILLON, INC.,
d.b.a. LYONS RESTAURANT AND
ORDER THEREON**

16 [Fed.R.Civ.P. Rule 41(a)(1)]

24 ///

25 ///

26 ///

1 **IT IS HEREBY REQUESTED** by ROBERT MCCARTHY, Plaintiff, via his
2 attorneys of record that, pursuant to Federal Rules of Civil Procedure, Rule 41 (a)(1), this Court
3 enter a dismissal without prejudice of only Defendant **JASSI DHILLON, INC., d.b.a. LYONS**
4 **RESTAURANT** from Plaintiff's Complaint, Case No C06-0948 MMC. Plaintiff's action shall
5 continue against the remaining defendants.

6 **IT IS SO REQUESTED.**

7

8 Dated: 4/8/06

9 **PINNOCK & WAKEFIELD, APC**
10 By: David C. Wakefield
11 DAVID C. WAKEFIELD, ESQ.
12 Attorneys for PLAINTIFF

13 **ORDER ON NOTICE OF DISMISSAL WITHOUT PREJUDICE OF ONLY**
14 **DEFENDANT JASSI DHILLON, INC., d.b.a. LYONS RESTAURANT**

15 **PURSUANT TO THE ABOVE REQUEST, IT IS HEREBY ORDERED** that only
16 Defendant JASSI DHILLON, INC., d.b.a. LYONS RESTAURANT is dismissed without
17 prejudice from Plaintiffs' Complaint, Case No C06-0948 MMC.

18

19 **IT IS SO ORDERED.**

20 Dated: April 11, 2006

21 _____
22 HONORABLE MAXINE M. CHESNEY
23 U.S. DISTRICT COURT JUDGE
24